

STATE ALLOCATION BOARD

1130 K Street, Suite 400
Sacramento, CA 95814

**IMPLEMENTATION COMMITTEE MINUTES**

November 5, 2004

East End Complex
1500 Capitol Avenue, Rooms 72.149B & 72.151A
Sacramento, CA

Members Present

Bruce Hancock, SAB
Lori Morgan, OPSC
Fred Yeager, CDE
Dave Doomey, CASH
Beth Hamby, LAUSD
Bill Cornelison, CSESA
Brian Wiese, AIA

Dennis Dunston, CEFPI
Constantine Baranoff, SSD
Dennis Bellet, DSA
John Palmer, CASBO
Gary Gibbs, CBIA
Lyn Padesto, DOF (Alternate for Blake Johnson)

Members Absent

Jay Hansen, SBCTC

Debra Pearson, SSDA

The meeting was called to order at 9:37 a.m.; there were 14 members present and 2 absent. The minutes from the September 2, 2004 meeting were approved as written.

BIDDING CLIMATE REPORT

A report prepared by the Division of the State Architect and Dennis Dunston from CEFPI was distributed at the meeting. The report contains information on project cost increases due to code change requirements as it relates to the Americans with Disabilities Act and technology advancements. The Chair accepted the report and indicated the report's findings would be discussed at a future meeting.

WILLIAMS SETTLEMENT LEGISLATION**SENATE BILL(SB) 6****General**

The topic was introduced by Bruce Hancock and Lori Morgan and presented by Office of Public School Construction (OPSC) staff members Lindsay Ross, Masha Lutsuk and Beatriz Sandoval. There was extensive discussion regarding the number of the eligible schools on the list published by the California Department of Education (CDE) and the possibility that Senate Bill 6 may not provide sufficient funding to award grants to all eligible schools. The OPSC stated that the number of eligible schools has not been finalized and at this time it cannot be determined whether funding is adequate and that a legislative remedy may be required to address the issue of insufficient funding. In addition, concern was expressed about subsections (c) and (d) of Section 1859.311, which appears to exclude schools that lease portables from a private entity and the definition of classroom-based instruction that appears to be in conflict with the way the State Board of Education (SBE) and CDE define the term. OPSC agreed to look into it.

School Facilities Needs Assessment Grant Program Regulations

OPSC clarified that assessment data must be submitted through the on-line submittal program that will be accessed through the OPSC website; however, it would be permissible to use needs assessment grant funds to perform a more comprehensive assessment than the OPSC requires. Discussion about the qualifications of the inspector, identified in Section 1859.314, included concerns about situations when a firm is contracted for the assessment, as well as the intent of subsection (b) which calls for a “non-interested third party” and (b)(4) which details the situation when districts may use their own staff. OPSC agreed to review this section. OPSC also agreed to consider making the progress report required by Section 1859.315(a) a web-based submittal.

School Facilities Needs Assessment Grant Program Form SAB 61-01

Committee members requested that terms be defined and the word “interior” in reference to the square footage calculations be deleted to ensure consistency with the definitions and practices districts are familiar with through other State Allocation Board (SAB) administered programs. Several attendees expressed concern about the detail required in the facility inspection. OPSC explained that the information being requested reflects the requirements of the statute and professional inspectors will have to determine the level of inspection needed to generate the data required. However, OPSC did agree to consider revisions to the form to account for a possibility of many professionals with different areas of expertise participating in the assessment. Also, some districts expressed concern with the amount of data entry required for the completion of the needs assessment and suggested an electronic transfer of data from districts’ existing systems into the OPSC’s online database. The OPSC agreed to contact the interested districts to discuss.

Emergency Repair Program

Concerns were expressed about how OPSC will look at those funds when determining financial hardship eligibility for School Facility Program (SFP) projects since this program is a reimbursement program and districts will have to secure interim funding to make repairs. The OPSC agreed to consider changes to the SFP regulations to account for this.

There was significant concern about what constitutes a health and safety hazard. The OPSC clarified that this means an item that in its current condition poses a risk to the health or safety of pupils or staff while at school. These are repairs that must be made, regardless of funding availability, to get the school functioning safely again, and this reimbursement funding is not intended for maintenance such as would occur at the end of the life cycle of a component or system. It was further stated that a portable is not considered a building system. The OPSC stated that a portable would not be considered a building system according to the use of the word “systems” in the context of the SB 6. It was suggested that OPSC look into having a pre-approval process or a telephone number for districts to call to get our opinion on whether a project would be eligible under the Emergency Repair Program (ERP) project. The OPSC will consider that possibility. Districts also asked about the distinction between projects under this program and SFP facility hardship/rehabilitation. OPSC clarified that this program is the repair or replace building components that have failed. Also, the ERP project must be for the mitigation of conditions that in their present state pose a health or safety hazard rather than a potential threat to pupils and staff while at school.

It was brought to the attention of OPSC that projects reviewed by the Division of the State Architect (DSA) for approval may be subject to Americans with Disabilities Act access compliance upgrades which will significantly increase the cost of projects, and whether the ERP will pay for that work even though it may not be needed to mitigate the health and safety hazard. OPSC agreed to research this issue and clarify in the regulations.

Other items where further clarification was requested are:

- Use of ERP funds for force account labor.
- Supplement versus supplant requirement.

SENATE BILL (SB) 550

Staff's presentation focused on the two parts of SB 550, which impact the OPSC, the facilities inspection system and the Interim Evaluation Instrument (IEI).

Staff clarified that all school districts who participate in the SFP and the Deferred Maintenance Program will need to establish a school facilities inspection system.

In addition, Staff presented a draft of the IEI at the meeting. Audience members from various parties had differing opinions on who is to use the IEI and for what purpose. Since OPSC was not charged with determining who is to use the IEI, Staff agreed to revise the General Information section of the form in alignment with the text of the statute.

Furthermore, there was discussion regarding the certification section of the IEI (Part M). Some audience members were concerned with the liability of the language in the evaluator's certification. Additionally, there were concerns that the second certification placed additional responsibility on the individual who accompanied the evaluator. Staff agreed to revise the certifications.

Finally there was discussion on the checklist items in the document (Parts A-L). The OPSC will incorporate some of the suggestions in the next draft, such as eliminating the word "toxic" in Part G.

ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 3:30 p.m. The next Implementation Committee meeting is scheduled for Friday, December 3, 2004 at 9:30 a.m. and will be held at 1500 Capitol Avenue, Rooms 72.149B & 72.151A, Sacramento.